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#### **REMARKS**

The subject application is a divisional of U.S. Serial No. 09/733,728, filed December 8, 2000. A Notice of Allowance was issued in connection with U.S. Serial No. 09/733,728 on June 6, 2003.

By this Preliminary Amendment, applicants have amended the specification to incorporate a reference to the parent application in accordance with 35 U.S.C. §120. Applicants have also canceled claims 1-47, 63-91 and 94 without prejudice. Accordingly, claims 48-62, 92 and 93 are pending in the subject application.

#### **INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 (**Exhibit A**) and are also listed below.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Thus, this Information Disclosure Statement should be entered and considered.

The above-identified application is a divisional of U.S. Serial No. 09/733,728, filed December 8, 2000. Copies of the documents listed below as items 1-46 have previously been submitted to the U.S. Patent Office in connection with U.S. Serial No. 09/733,728. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of the previously submitted documents are not provided.

1. U.S. Patent No. 5,830,759, issued to Yuan Chang et al. on

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November 3, 1998;

2. U.S. Patent No. 5,801,042, issued to Yuan Chang et al. on September 1, 1998;
3. U.S. Patent No. 6,150,093, issued to Yuan Chang et al. on November 21, 2000;
4. PCT International Application No. PCT/US95/10194, filed August 11, 1995, Publication No. WO 96/06159, published February 29, 1996;
5. PCT International Application No. PCT/US97/01442, filed January 28, 1997, Publication No. WO 97/27208, published July 31, 1997;
6. PCT International Application No. PCT/US97/13346, filed July 22, 1997, Publication No. WO 98/04576, published February 5, 1998;
7. Alexander, L., et al. (2000) "The Primary Sequence Of Rhesus Monkey Rhadinovirus Isolate 26-95: Sequence Similarities To Kaposi's Sarcoma-Associated Herpesvirus And Rhesus Monkey Rhadinovirus Isolate" 17577. J. Virol. 74:3388-98;
8. Bais, C., et al. (1998) "G-Protein-Coupled Receptor Of Kaposi's Sarcoma-Associated Herpesvirus Is A Viral Oncogene And Angiogenesis Activator" Nature 391:86-9;
9. Ballestas, M.E., et al. (1999) "Efficient Persistence Of Extrachromosomal KSHV DNA Mediated By Latency-Associated Nuclear Antigen" Science 284:641-4;

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10. Burysek, L., et al. (1999) "Functional Analysis Of Human Herpesvirus 8-Encoded Viral Interferon Regulatory Factor 1 And Its Association With Cellular Interferon Regulatory Factors And p300" J. Virol. 73:7334-42;
11. Burysek, L., et al. (1999) "Unique Properties Of A Second Human Herpesvirus 8-Encoded Interferon Regulatory Factor (vIRF-2)" J. Hum. Virol. 2:19-32;
12. Cesarman, E., et al. (1995) "Kaposi's Sarcoma-Associated Herpesvirus-Like DNA Sequences In AIDS-Related-Body-Cavity-Based Lymphomas" New. Eng. J. Med. 332:1186-1191;
13. Chang, Y., et al. (1996) "Cyclin Encoded By KS Herpesvirus" Nature 382:410;
14. Chang, Y., et al. (1994) "Identification Of Herpes-Like DNA Sequences In AIDS-Associated Kaposi's Sarcoma", Science 265:1865-1869;
15. Davis, M.A., et al. (1997) "Expression Of Human Herpesvirus 8-Encoded Cyclin D In Kaposi's Sarcoma Spindle Cells" J. Natl. Cancer Inst. 89:1868-74;
16. Dittmer, D., et al. (1998) "A Cluster Of Latently Expressed Genes In Kaposi's Sarcoma-Associated Herpesvirus" J. Virol. 72:8309-15;
17. Dupin, N., et al. (1999) "Distribution Of Human Herpesvirus-8 Latently Infected Cells In Kaposi's Sarcoma, Multicentric Castleman's Disease, And Primary Effusion Lymphoma" Proc. Natl. Acad. Sci. U.S.A. 96:4546-51;

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18. Flowers, C., et al. (1998) "Kaposi's Sarcoma-Associated Herpesvirus Viral Interferon Regulatory Factor Confers Resistance To The Antiproliferative Effect Of Interferon-Alpha" Mol. Med. 4:402-12;
19. Friborg, J., et al. (1999) "p53 Inhibition By The LANA Protein Of KSHV Protects Against Cell Death" Nature 402:889-94;
20. Gao, S.-J., et al. (1997) "KSHV ORF K9 (vIRF) Is An Oncogene Which Inhibits The Interferon Signaling Pathway" Oncogene 15:1979-85;
21. Gao, S.J., et al. (1996) "KSHV antibodies among Americans, Italians And Ugandans With And Without Kaposi's Sarcoma" Nature Medicine 2:925-8;
22. Godden-Kent, D., et al. (1997) "The Cyclin Encoded by Kaposi's Sarcoma-Associated Herpesvirus Stimulates cdk6 to Phosphorylate the Tetinoblastoma Protein and Histone H1" J. Virol. 71:4193-8;
23. Gu, W., et al. (1997) "Activation Of p53 Sequence-Specific DNA Binding By Acetylation Of The p53 C-Terminal Domain" Cell 90:595-606;
24. Jayachandra, S., et al. (1999) "Three Unrelated Viral Transforming Proteins (vIRF, EBNA2, and E1A) Induce The MYC Oncogene Through The Interferon-Responsive PRF Element By Using Different Transcription Coadaptors" Proc. Natl. Acad. Sci. U.S.A. 96:11566-11571;

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25. Judde, J.G., et al. (2000) "Monoclonality or Oligoclonality of Human Herpesvirus 8 Terminal Repeat Sequences in Kaposi's Sarcoma And Other Diseases" J. Natl. Cancer Inst. 92:729-736B;
26. Katano, H., et al. (2000) "Expression And Localization Of Human Herpesvirus 8-Encoded Proteins In Primary Effusion Lymphoma, Kaposi's Sarcoma, And Multicentric Castleman's Disease" Virology 269:335-44;
27. Katano, H., et al. (1999) "High Expression Of HHV-8-Encoded ORF73 Protein In Spindle-Shaped Cells Of Kaposi's Sarcoma" Am. J. Pathol. 155:47-52;
28. Kirshner, J.R., et al. (1999) "Expression Of The Open Reading Frame 74 (G-Protein-Coupled Receptor) Gene Of Kaposi's Sarcoma (KS)-Associated Herpesvirus: Implications For KS Pathogenesis" J. Virol. 73:6006-14;
29. Lee, H., et al. (1998) "Deregulation Of Cell Growth By The K1 Gene Of Kaposi's Sarcoma-Associated Herpesvirus" Nat. Med. 4:435-40;
30. Li, M., et al. (1998) "Kaposi's Sarcoma-Associated Herpesvirus Viral Interferon Regulatory Factor" J. Virol. 72:5433-40;
31. Li, M., et al. (1997) "Kaposi's Sarcoma-Associated Herpesvirus Encodes A Functional Cyclin" J. Virol. 71:1984-91;
32. Moore, P.S., et al. (1996) "Molecular Mimicry Of Human Cytokine And Cytokine Response Pathway Genes By KSHV"

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33. Moore, P.S., et al. (1995) "Detection Of Herpesvirus-like DNA Sequences In Kaposi's Sarcoma In Patients With And Those Without HIV infection" New Eng. J. Med. 332:1181-1185;
34. Moore, P.S., et al. (1996) "Primary Characterization Of A Herpesvirus Agent Associated With Kaposi's Sarcoma" J. Virol. 70(1):549-558;
35. Neipel, F., et al. (1997) "Cell-Homologous Genes In The Kaposi's Sarcoma-Associated Rhadinovirus Human Herpesvirus 8: Determinants Of Its Pathogenicity?" J. Virol. 71:4187-92;
36. Ojala, P.M., et al. (1999) "Kaposi's Sarcoma-Associated Herpesvirus-Encoded v-Cyclin Triggers Apoptosis In Cells With High Levels Of Cyclin-Dependent Kinase 6" Cancer Res. 59:4984-9;
37. Parravicini, C., et al. (2000) "Differential Viral Protein Expression In Kaposi's Sarcoma-Associated Herpesvirus-Infected Diseases: Kaposi's Sarcoma, Primary Effusion Lymphoma, And Multicentric Castleman's Disease" Am. J. Pathol. 156:743-9;
38. Reed, J.A., et al. (1998) "Demonstration Of Kaposi's Sarcoma-Associated Herpes Virus Cyclin D Homolog In Cutaneous Kaposi's Sarcoma By Colorimetric In Situ Hybridization Using A Catalyzed Signal Amplification System" Blood 91:3825-32;

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40. Sarid, R., et al. (1998) "Transcription Mapping Of The Kaposi's Sarcoma-Associated Herpesvirus (human herpesvirus 8) Genome In A Body Cavity-Based Lymphoma Cell Line (BC-1)" J. Virol. 72:1005-12;
41. Sarid, R., et al. (1997) "Kaposi's Sarcoma-Associated Herpesvirus Encodes A Functional bcl-2 Homologue" Nature Medicine 3:293-8;
42. Sarid, R., et al. (1999) "Characterization And Cell Cycle Regulation Of The Major Kaposi's Sarcoma-Associated Herpesvirus (Human Herpesvirus 8) Latent Genes And Their Promoter" J. Virol. 73:1438-46;
43. Sun, R., et al. (1999) "Kinetics Of Kaposi's Sarcoma-Associated Herpesvirus Gene Expression" J. Virol. 73:2232-42;
44. Takebe, Y., et al. (1988) "SR $\alpha$  promoter: An Efficient And Versatile Mammalian cDNA Expression System Composed Of The Simian Virus 40 Early Promoter And The R-U5 Segment Of The Human T-Cell Leukemia Virus Type 1 Long Terminal Repeat" Mol. Cell Biol. 8:466-72;
45. Talbot, S.J., et al. (1999) "Transcriptional Analysis Of Human Herpesvirus-8 Open Reading Frames 71, 72, 73, K14, And 74 In A Primary Effusion Lymphoma Cell Line" Virology 257:84-94; and

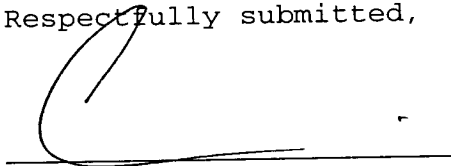
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Applicants request that the Examiner review the references and make them of record in the subject application.

No fee, other than the enclosed application filing fee, is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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